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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 JACK SMITH, SR.,

8 Plaintiff,

9 v.

10 JANET NAPOLITANO, *et al.*,

11 Defendants.  
12

Case No. 2:09-CV-02286-KJD-LRL

**ORDER**

13 On July 30, 2010, Magistrate Judge Lawrence R. Leavitt granted Plaintiff's Motion for  
14 Extension of Time (#20) and ordered him to serve Defendant Napolitano no later than September 5  
15 2010. Plaintiff's Complaint was filed on April 8, 2010. Federal Rule of Civil Procedure 4(m)  
16 requires Plaintiff to serve defendants with a copy of the summons and complaint within 120 after the  
17 complaint is filed, but allows the Court to extend the time to effect service. Accordingly, Plaintiff is  
18 hereby ordered to file proof of service of the summons and complaint within the time allowed no  
19 later than October 21, 2010. Failure to do so will result in Plaintiff's complaint being dismissed  
20 without prejudice in accord with Rule 4(m).

21 **IT IS SO ORDERED.**

22 DATED this 5<sup>th</sup> day of October 2010.  
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26 Kent J. Dawson  
United States District Judge